

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 11th day of MAY, 1993 there was conducted a REGULAR Session of the Honorable Commissioners' Court of Cameron County, Texas, at the Courthouse thereof, in the City of Brownsville, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE COURT MET AT:
1:30 P. M.

PRESENT:
ANTONIO O. GARZA, JR.
COUNTY JUDGE

LUCINO ROSENBAUM, JR.
COMMISSIONER, PRECINCT NO. 1

CARLOS H. CASCOS
COMMISSIONER, PRECINCT NO. 2

JAMES R. MATZ
COMMISSIONER, PRECINCT NO. 3

NATIVIDAD VALENCIA
COMMISSIONER, PRECINCT NO. 4

INELDA T. GARCIA, Deputy
COUNTY CLERK

ABSENT:

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The meeting was called to order by Judge Antonio O. Garza, Jr. He then asked Ms. Rebecca Thatcher, *The Brownsville Herald* Reporter, to lead the Court and the Audience in reciting the Pledge of Allegiance to the Flag.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on May 6, 1993 at 4:04 P. M.

(1) APPROVAL OF COUNTY CLAIMS

Mr. Rayburn MacNelly, County Auditor, presented a late claim as to J. I. Case, Co., dba Case Power and Equipment, Warrant No. 77653 in the amount of \$22,242.57 for approval at this time.

Commissioner Valencia moved that the County Claims be approved as presented, inclusive of the late claim as to J. I. Case, Co., dba Case Power and Equipment, Warrant No. 77653 in the amount of \$22,242.57, as recommended by the County Auditor.

The motion was seconded by Commissioner Matz and carried the following vote:

AYE: Commissioners Rosenbaum, Matz and Valencia

NAY: None

ABSTAIN: Judge Garza as to the claim of Brownsville Community Health Clinic, Warrant No. 77247 in the amount of \$171.20; and Commissioner Cascos as to the claim of Tony Gonzalez Pharmacy, Warrant No. 77365, in the amount of \$11.85.

The Affidavits are as follows:

(2) APPROVAL OF BUDGET AMENDMENTS AND/OR SALARY SCHEDULES

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, the Fiscal Year 1993 Budget Amendment No. 23, and the Salary Schedule for the District Clerk's Office, Department No. 58-450 were approved.

The Budget Amendment and Salary Schedule are as follows:

**(3) APPROVAL OF MINUTES' OF APRIL 29, 1993 AND TWO
(2) SETS FOR APRIL 27, 1993**

At this time, Commissioner Matz noted that the Minutes of April 20, 1993, Item No. 9, should be corrected to read "Mr. Brent Branhan, Acting-City Manager, Harlingen, Texas," and the Minutes of April 28, 1993, Item No. 19, should read "30 tons of garbage".

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Minutes' of the Regular Meeting held April 29, 1993 at 1:30 P. M., and of the Regular Meeting held April 27, 1993 and reconvened on April 28, 1993 were approved, subject to the corrections as noted.

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**(4) IN THE MATTER TO OPEN BIDS FOR PREVENTIVE
MAINTENANCE/SERVICE ON VHF 800MNZ RADIO
EQUIPMENT FOR SHERIFF'S DEPARTMENT (RE-BID)**

Upon motion by Commissioner Valencia, seconded by Commissioner Rosenbaum and carried unanimously, approval was given to open bids as received for the Preventive Maintenance/Service on VHF 800MNZ Radio Equipment for the Sheriff's Department.

At this time, Mr. Michael Forbes, County Purchasing Agent, stated that after discussing the matter with the Sheriff's Department, it was determined that the bid specifications needed to be changed and he recommended to re-bid the Item in approximately three (3) weeks.

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the re-advertisement of bids for the Preventive Maintenance/Service on the VHF 800MNZ Radio Equipment for the Sheriff's Department was authorized.

NOTE:Although the opening of bids was directed, no bids were opened prior to the direction to re-bid.

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**(5) AUTHORIZATION TO OPEN RFP NO. 93-04-01 FOR
"CASELOAD MANAGEMENT SYSTEM" SOFTWARE
PACKAGE AND HARDWARE FOR CAMERON WILLACY
COUNTIES COMMUNITY SUPERVISION AND
CORRECTIONS DEPARTMENT**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, approval was given to open the Request for Proposals No. 93-04-01, as received, for the "Caseload Management System" Software Package and Hardware for Cameron Willacy Counties Community Supervision and Corrections Department.

The Proposals received and opened are as follows:

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Proposals were referred to the Computer Center Director, the Purchasing Agent, and the Probation Department for tabulation and recommendation to the Court of the best bid in one (1) week.

(6) **AUTHORIZATION TO OPEN BIDS FOR REPLACING
FLOOR TILE - JUDICIAL BUILDING**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, approval was given to open bids, as received, for replacement of the floor tile at the Judicial Building.

The bid received and opened is as follows:

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the bid was referred to the Purchasing Agent and the Maintenance Supervisor for tabulation and recommendation to the Court.

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(7) **AUTHORIZATION TO APPROVE MEMORANDUM OF UNDERSTANDING WITH GONZALEZ ENGINEERING FOR SITE WORK TO BE PERFORMED FOR THE JUVENILE DETENTION FACILITY**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the "Memorandum of Understanding" with Gonzalez Engineering for the site work to be performed for the Juvenile Detention Facility was authorized, subject to legal review.

The Memorandum is as follows:

**(8) AUTHORIZATION TO OPEN BIDS FOR THE
RENOVATION OF THE BROWNSVILLE HEALTH CLINIC**

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Cascos and carried unanimously, approval was given to open bids, as received, for the renovation of the Brownsville Health Clinic.

The bids received and opened are as follows:

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the bids were referred to the Health Department, the Budget Officer and the County Engineer for tabulation and recommendation to the Court of the best bid in one (1) week.

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(9) APPROVAL OF WILLIAM FAULK, JR., NOMINEE FOR MEMBERSHIP ON CHILD WELFARE BOARD

Commissioner Valencia moved that the appointment of Mr. William Faulk, Jr., as a member of the Child Welfare Board, be approved.

The motion was seconded by Commissioner Matz and carried unanimously.

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(10) RATIFICATION OF SOIL REMEDIATION LEASE AGREEMENT BETWEEN CAMERON COUNTY AND EVEREST ENVIRONMENTAL SERVICES CORPORATION

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the approval given for the Soil Remediation Lease Agreement between Cameron County and Everest Environmental Services Corporation was ratified.

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(11) APPROVAL TO REFUND TAXES TO N. O. SIMMONS AND ASSOCIATES, INC., IN THE AMOUNT OF \$518.17 FOR THE ERRONEOUS PAYMENT OF TAXES

(12) APPROVAL TO REFUND TAXES TO LARRY K. DURRETT IN THE AMOUNT OF \$4,337.42 FOR THE ERRONEOUS PAYMENT OF TAXES

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, approval was given to refund taxes, resulting from the erroneous over payment, to the following individuals, as recommended by the County Auditor:

N. O. Simmons and Associates, Inc. - \$518.17, and

Mr. Larry E. Durrett - \$4,337.42.

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(14) RATIFICATION OF REQUEST FOR COUNTY JUDGE TO EXECUTE A QUIT CLAIM DEED TO THE STATE OF TEXAS FOR REIMBURSEMENT OF PARCELS 102 AND 103, RAILROAD RELOCATION PROJECT

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the approval given to execute a Quit Claim Deed to the State of Texas for the reimbursement of Parcels No. 102 and No. 103, Railroad Relocation Project, was ratified.

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(15) APPROVAL OF PROFESSIONAL SERVICES CONTRACT BETWEEN THE CAMERON COUNTY HEALTH DEPARTMENT AND MARY LOUISE WATKINS, M. D., TO PROVIDE STD CLINICS IN THE BROWNSVILLE NURSING OFFICE

Commissioner Rosenbaum moved to approve the Professional Services Contract between the Cameron County Health Department and Ms. Mary Louise Watkins, M.D. to provide Sexually Transmitted Diseases (STD) Clinics in the Brownsville Nursing Office.

The motion was seconded by Commissioner Matz and carried unanimously.

The Service Agreement is as follows:

(16) REPORT ON 1993 RABIES CLINICS BY CHIEF SANITARIAN

Mr. Ray Rodriguez, Chief Sanitarian, reviewed the following Report concerning the "Rabies Vaccination Clinics" for 1993 and highlighted the efforts provided by the Department for the control of rabies:

At this time, members of the Court complimented Mr. Rodriguez and the Health Department for the excellent Report, their aggressiveness and good work and the media coverage obtained.

Ms. Candice Crouch read the following Letter from Dr. Gary Crouch, Veterinarian, praising the efforts of the Health Department for the "successful" Rabies Vaccination Clinics:

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the 1993 Rabies Clinics Report by the Chief Sanitarian was acknowledged.

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(17) APPROVAL OF REQUEST BY THE AMERICAN LEGION POST NO. 43, FOR USE OF BOCA CHICA BEACH TO CONDUCT ANNUAL RED FISH TOURNAMENT ON AUGUST 15, 1993 FROM 6:00 A. M. TO 4:00 P. M.

Judge Garza explained that the Item had previously been "tabled" because the Court was not certain whether the request was to close the stretch of Beach for the tournament. He added that it was not necessary to approve the request because the Court could not take a sponsorship role or approve the request, other than to encourage and support their efforts.

At this time, Mr. Chano Flores, Veteran, explained that the American Legion Post No. 43 was requesting the Court's support in their efforts at the Fishing Tournament, and added that they are aware that the area could not be restricted other than placing "fishing boundary lines" to discourage illegal fishing.

Commissioner Rosenbaum moved to acknowledge and support the efforts of the American Legion Post No. 43 Annual Red Fishing Tournament at Boca Chica Beach on August 15, 1993 from 6:00 A.M. to 4:00 P.M.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(13) ESTABLISHMENT OF EARLY VOTING POLLING PLACES FOR U. S. SENATE RUNOFF ELECTION

Ms. Tencha de la Peña, Elections Administrator, stated that the Early Voting Polling Places would be the same as the May 1, 1993 Special Election and added that Early Voting would begin May 19, 1993 through June 1, 1993, with the exception of the Memorial Day Holiday on May 31, 1993.

Commissioner Valencia moved that the Early Voting Polling Places be established, as previously approved for the Special Election, and to include the Port Isabel location, said Early Voting to be held May 19, 1993 through June 1, 1993, with the exception of the Memorial Day Holiday on May 31, 1993.

The motion was seconded by Commissioner Matz and carried unanimously.

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**NOT ON APPROVAL OF VOTING MACHINE LEASE
AGENDA AND SERVICE AGREEMENT REQUEST BY RIVERA
HIGH SCHOOL FOR STUDENT ELECTIONS**

At this time, Ms. Tencha de la Peña, Elections Administrator, requested approval of a Lease Agreement for the Rivera High School Student Elections to be held the following week.

It appeared to be the consensus of the Court, as determined by polling, that the request for the use of the Voting Machines by the Rivera High School, Brownsville, Texas, be approved and ratified at the next Meeting.

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**(18) AUTHORIZATION TO ENTER INTO A ONE (1) YEAR
CONTRACT WITH "CELLULAR 1" FOR PURCHASE AND
USE OF ONE (1) CELLULAR PHONE FOR PRECINCT NO.
1**

Commissioner Valencia moved that a one (1) year Contract with "Cellular 1" for the purchase and use of one (1) cellular phone for Precinct No. 1 be authorized.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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**(19) APPROVAL OF APPLICATION FOR MOBILE VENDOR'S
PERMIT FOR BRENNAN S. WELLS, DBA ANDY BOWIE
BEACH RENTALS**

Upon motion by Commissioner Matz, seconded by Commissioner Rosenbaum and carried unanimously, the Mobile Vendor's Permit Application for Mr. Brennan S. Wells, dba Andy Bowie Beach Rentals was approved.

The Application is as follows:

(20) IN THE MATTER TO TERMINATE LEASE BETWEEN SEA RANCH ENTERPRISES, INC., AND CAMERON COUNTY, CONDITIONED UPON EXECUTION OF NEW LEASE (DELETED)

Mr. Kenneth Conway, Parks Director, informed the Court that Item No. 20 should not have been placed on the Agenda.

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(21) AUTHORIZATION OF BLANKET EASEMENT FOR ELECTRIC UTILITY SERVICE AT ANDY BOWIE PARK, SUBJECT TO ANY CONDITIONS STIPULATED BY COUNTY ATTORNEY

Mr. Kenneth Conway, Parks Director, stated that the "blanket easement" was the standard easement request by Central Power and Light (CPL), and that the Parks Systems would be the only customer. He explained that Parks System had an identical "blanket easement" at Isla Blanca Park and added that the County Attorney had not yet reviewed the Agreement.

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the "blanket easement" for Electric Utility Service at Andy Bowie Park was approved, subject to any conditions stipulated by the County Attorney.

The Easement and Right-of-Way Agreement is as follows:

At this time, Mr. Kenneth Conway, Parks Director, announced that House Bill (HB) 706 passed the House of Representatives with a 98-30 vote, and added that Representative Rene Oliveira had provided the leadership and the Valley delegation supported the efforts. He explained that HB706 was Parks Legislation that included the Grant Programs and the Capital Improvement Programs which used cigarette taxes, would now substitute an equal amount of revenue currently being collected from the sporting goods sales taxes.

Judge Garza remarked that the Court supported this Legislation and noted that the cigarette tax revenue was declining and the use of the Parks was steadily increasing, as well as the tax revenue from the sporting goods items. He commended the leadership efforts by Representative Oliveira and the Chairman of the Parks and Wildlife Commission on this legislation.

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(22)

**AUTHORIZATION TO APPLY FOR USED OIL
COLLECTION GRANT FUNDS FROM THE TEXAS
WATER COMMISSION THROUGH A REGIONAL
APPLICATION TO BE SUBMITTED BY THE LOWER RIO
GRANDE VALLEY DEVELOPMENT COUNCIL**

Mr. Frank Bejarano, Program Development and Management Director, stated that this Item was requested by Commissioner Matz, and that the funding would derive from the Texas Water Commission.

Commissioner Rosenbaum moved that the Application for the Used Oil Collection Grant Funds from the Texas Water Commission be authorized, to be submitted through a Regional Application by the Lower Rio Grande Valley Development Council.

The motion was seconded by Commissioner Matz and carried unanimously.

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(23) REQUEST FOR PRELIMINARY APPROVAL

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, preliminary approval was given to the following subdivision, on the recommendation of the County Engineer's Office:

- a) **Precinct No. 4** -Curtis Estates Subdivision - being a 2.89 acre resubdivision, comprised of Lot 2 (0.72 acres) out of Medley Estates, and 2.17 acres out of Block 15, Survey 42, Stuart Place Subdivision.

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(24) REQUEST FOR PRELIMINARY AND FINAL APPROVAL

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Valencia and carried unanimously, preliminary and final approval was given to the following subdivision, on the recommendation of the County Engineer's Office:

- a) **Precinct No. 1** -Middle School Subdivision - being 38.456 acres; comprised of 11.00 acres out of Block 21, 2.375 acres out of 3.76 acre track on Block 22, and a 19.83 acre tract out of Blocks 22 and 23, Esperanza Place Addition, Share 23, Espiritu Santo Grant.

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(25) AUTHORIZATION TO TRAVEL AND/OR APPROVAL OF TRAVEL EXPENSES

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the following travel and or travel expenses were approved, subject to availability of funds in their budget:

- a) Four (4) Engineering and Right-of-Way employees and ten (10) Precinct employees to attend a Road and Asphalt Surface Treatments Seminar at TSTI in Harlingen on May 12, 1993 from 8:00 A. M. to 5:00 P. M.;
- b) Three (3) to four (4) (Drug Task Force) Agents to travel out of State on an on-going investigation the early part of May;
- c) Judge Everardo Garcia to attend Seminar on South Padre Island on May 12-14, 1993;
- d) Judge Everardo Garcia to attend Judicial Criminal Conference in Austin on May 19-21, 1993;

- e) Commissioner Matz and other members of the Court to Austin on May 19-21, 1993 to meet with Texas Department of Transportation Officials On Lower Rio Grande Valley Regional Mobility Plan and Port Isabel-Cameron County Airport;
- f) Commissioner Matz and other members of the Court to Austin on June 30, 1993 - July 2, 1993 to attend TXDOT/KTB Illegal Dumping Conference;
- g) County Engineer and Right-of-Way Agent to attend Management Seminar in McAllen on June 24, 1993;
- h) Mr. Ray Rodriguez, Chief Sanitarian, to El Paso on May 17-20, 1993 to attend Current Concepts in Food Protection Training Course; and
- i) Mr. Rolando Martinez, Health Administrator, to attend meeting in Albuquerque, New Mexico, on June 5-7, 1993.

At this time, Mr. Andy Cueto, County Engineer, stated that the cost of the Asphalt Surface Seminar would be approximately \$35.00 per person and would be highly beneficial to the Precincts.

Commissioner Matz stated that Item "e" concerned the Public Hearings with the Department of Transportation Officials concerning the implementation of the Valley Regional Mobility Plan. He stated that the Valley Chamber of Commerce was providing the leadership and that they encouraged any interested person to attend, noting that the presence of Elected Officials would make a difference. He added that the Public Hearings would be held May 20, 1993 at 9:00 A.M.

Commissioner Matz reported that a meeting had been scheduled on Friday, May 21, 1993, with the Division of Aviation to discuss the possibility of obtaining between \$20,000.00 and \$30,000.00 to fund a Grant to develop an Action Plan for the County Airport, and added that no matching funds were involved and that it would include elements of a Capital Improvement Program.

He added that a meeting had been scheduled for Tuesday, May 18, 1993 at 10 A.M., with an Engineer with the Division of Aviation to evaluate the needs of the County Airport and he encouraged anyone interested to attend.

Judge Garza added that he was planning to attend the Regional Mobility Hearings and he encouraged members of the Court to attend.

(26) EXECUTIVE SESSION

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the Court met in Executive Session at 2:30 P. M. to discuss the following matters:

- a) Consider Farm Lease of County land known as Herbert M. Williams Tract, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes);
- b) Confer with Counsel concerning Cause No. 92-08-3589-E, Garcia vs. Cameron County, pursuant to Section 2(e) of Article 6252-17 (of the Texas Revised Civil Statutes); and
- c) Discuss Dakota Avenue South, pursuant to Section 2(f) of Article 6252-17 (of the Texas Revised Civil Statutes).

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Court reconvened in Regular Session at 4:10 P. M.

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(27) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Consider Farm Lease of County land know as Herbert M. Williams Tract.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, to defer action until such time as the County's "Lease-hold" interests might be determined, and to direct the County Attorney to follow-up on said matter.

Commissioner Matz moved that action be deferred until such time as the County's "Lease-hold" interest might be determined on the Farm Lease of the County land known as Herbert M. Williams Tract, and that the County Attorney be directed to follow-up on said matter.

The motion was seconded by Commissioner Valencia and carried unanimously.

- b) Confer with Counsel concerning Cause No. 92-08-3589-E, Garcia vs. Cameron County.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that County Counsel be directed to proceed along the terms and conditions as outlined in Executive Session concerning said matter.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, County Counsel was directed to proceed along the terms and conditions as outlined in Executive Session concerning the case styled Cause No. 92-08-3589-E, Garcia vs. Cameron County.

- c) Discuss Dakota Avenue South.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that Ms. Blanca Betancourt, Right-of-Way Agent, be directed to proceed with the acquisition of said property, along the terms and conditions outlined in Executive Session, that being to accept the land-owner's counter-offer.

Upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, Ms. Blanca Betancourt, Right-of-Way Agent, was directed to proceed with the acquisition of the property on Dakota Avenue South, along the terms and conditions outlined in Executive Session, that being to accept the counter-offer by the land-owner.

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There being no further business to come before the Court, upon motion by Commissioner Rosenbaum, seconded by Commissioner Matz and carried unanimously, the meeting was adjourned.

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APPROVED this **25th** day of **MAY**, 1993.

ANTONIO O. GARZA, JR.
COUNTY JUDGE

ATTEST:

JOE G. RIVERA,
COUNTY CLERK AND EX-OFFICIO CLERK
OF THE COMMISSIONERS' COURT OF
CAMERON COUNTY, TEXAS